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OCT 31 19[illegible]
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No. 156

PETITION FOR A REHEARING ON THE PETITION FOR CERTIORARI

IN THE

Supreme Court of the United States

OCTOBER TERM, 1962

FRANCIS D. HOUSTON,
Petitioner

v.

UNITED STATES OF AMERICA,
Respondent

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF CLAIMS

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To the Honorable Chief Justice, and the Associate Justices of the Supreme Court of the United States:

The petitioner, Francis D. Houston, prays for a rehearing on the petition for a writ of certiorari directed to the United States Court of Claims which was denied by this Court on October 8, 1962. This petition for rehearing is filed within twenty-five days after the denial of the petition as is required under the rules of this Court.

In submitting this petition for rehearing the petitioner desires to invite the Court's attention to the fact that the reply brief of the petitioner to the brief of the Solicitor General was not filed until September 18, 1962, and it is believed that between that date and the date of denial of this Court there was not sufficient time for consideration of the matters brought forth in the petitioner's reply brief.

REASONS FOR PETITIONER'S PETITION FOR REHEARING

Other than the matters and things raised in the petitioner's original petition for certiorari, a careful reading of that petition fails to show that one important point which should have been raised was not raised in the original petition. The petitioner, Francis D. Houston, was a veteran preference eligible as that term is defined under Section 14 of the Veterans Preference Act of June 27, 1944 (5 U.S.C. 863). He could only be dismissed for such cause as would promote the efficiency of the service pursuant to this statutory requirement.

The facts in this regard show that he brought charges against three officials of the Federal Housing Administration. All of the charges against these officials were fully sustained by the evidence of record which is now before this Court. All of them were subsequently separated from their governmental positions after the petitioner was discharged from his government service except as to one who was almost immediately discharged prior to the bringing of charges against the petitioner.

The petitioner was discharged from his governmental position because of the charges he made against the three employees in question. Yet they were all discharged from their governmental positions because of the facts that the petitioner had brought out against them in his charges. It is therefore obvious that the petitioner, having made legitimate charges against his superiors and others which in fact were all sustained, could not be discharged from his governmental position "for such cause as will promote the efficiency of the service".

If this petition for certiorari is denied, then no government employee would ever dare report the misconduct of public officials because it would only result in his discharge from governmental service.

The petitioner in the execution of his duties saved the government millions of dollars by his report of proposed loans for construction on the Island of Guam.

It is unthinkable that a loyal employee of the United States, such as this petitioner, should be penalized for doing his duty for his government in accordance with the oath which he took.

WHEREFORE petitioner prays:

That the order of this Court denying the petition for a writ of certiorari to the United States Court of Claims entered on October 8, 1962 be vacated and set aside and that this honorable Court grant the writ of certiorari in this case.

Respectfully submitted,

CLAUDE L. DAWSON
1049 Shoreham Bldg.
Washington, D. C.

Attorney for the Petitioner.

CERTIFICATE OF COUNSEL

I, Claude L. Dawson, Attorney for the Petitioner, do hereby certify that the petition for rehearing on the petition for a writ of certiorari is presented in good faith and not for delay, and I further certify that it is restricted to substantial grounds not previously stated in the original petition for certiorari.

CLAUDE L. DAWSON
Attorney for the Petitioner.